

Montana Working To Protect The Rights Of Montanans
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EXHIBIT 10
DATE 2.13.07
HB 389

February 7, 2007

House Bill 389

Dear Representative,

We attended the hearing on House Bill 389 (Elk Management Plan). We offered testimony on this bill and would like to expand on our support of this bill. Private property is paramount to our society and our way of life here in Montana. Grazing on public land is a *right* that is enjoyed by many livestock producers across Montana. The transportation system is essential to holders to administer these *rights* and must remain open and unrestricted.

Private property inholdings are dependent on the transportation system for ingress and egress and must be protected. FWP and or USFS, BLM or DNRC close roads for several reasons without regard to the rights afforded to private property owners. Private property owners that have property within the boundaries of federal land are not second class citizens, therefore should not have to ask permission to access these properties. FWP exercises influence and initiates the arbitrary closing of roads in the name of wildlife security. This practice is not backed by science, and does not consider *constitutional rights* afforded to the citizens of Montana.

Many times we find the closures are a violation of RS2477 and this bill would be a step in the right direction in curbing the ability of FWP to violate federal law and be held accountable to these same laws.

Opponents of the Bill can be summed up as another case of "Government lobbying Government to retain Government." Road closures have been cited as a method used to keep ungulates on public land. Fact is, ungulates move from Spring to Summer to Fall to Winter range. Many areas across Montana see this movement during hunting season when the higher elevations get snow while there is still green forage in the valley floors. Roads and trails have nothing to do with this natural migration. Private landowners tolerate this natural migration and many support public hunting. Closures only restrict and diminish hunter participation in wildlife management.

The economic impact by closing roads and trails in the name of big game security, is devastating to many southwest Montana communities during hunting season. The closing of roads and trails using the "Lynx Habitat" justification is another case of arbitrary prohibition of access to our resources. The endangered species act is dysfunctional and has become a tool used by FWP to infringe on the *rights and heritage* of all Montanans.

Timothy L. Ravndal
Timothy L. Ravndal, President